

**IN THE MATTER OF
THOMAS AND MARYLOU GRIMM
PETITIONER**

*** BEFORE THE DIRECTOR OF
* DEPARTMENT OF PLANNING & ZONING
* CASE NO. AA-21-015
* 17401 WHITE DOGWOOD COURT**

DECISION AND ORDER

On March 4, 2022, the Designee for the Director of the Department of Planning and Zoning conducted a public hearing to consider the petition of Thomas and MaryLou Grimm, for an Administrative Adjustment from Section 128.0.A.12.a.(1)(c) of the Zoning Regulations to increase the maximum cumulative accessory structure lot coverage for lots in the RC or RR district greater than 2 acres from 2,200 square feet to 2,542 square feet for a proposed garage/storage building and existing bath house, as authorized under the Administrative Adjustment Procedure, Section 100.0.F.1. The notice of the hearing was posted on the subject property, 17401 Dogwood Court (the "Property") in accordance with all applicable regulations. The Petitioner represented himself. No one testified in opposition to the petition.

Prior to the introduction of testimony, the following items were incorporated into the record by reference:

1. The Howard County Zoning Regulations.
2. The Subdivision and Land Development Regulations.
3. The Administrative Procedures Act of the Howard County Code.

During the hearing, the following items were introduced as exhibits:

1. Administrative Adjustment Petition and Plans submitted by the Petitioner.

Mr. Grimm stated that the purpose of the Administrative Adjustment is to exceed the maximum cumulative lot coverage for accessory structures from 2,200 square feet to 2,542 square feet, an increase of 342 square feet or 15%, for a 2,056 square foot proposed garage/storage building and an existing 485 square foot bath house. He stated that the existing shed on the Property is in disrepair and needs to be replaced with a larger structure in order to store personal belongings.

He asserted that the style and design of the proposed garage/storage building are compatible with the nature of the surrounding neighborhood and will not alter the essential character of the neighborhood. He stated that the

design should be up-scale in nature, since it will be located along Hardy Road. He explained that the garage/storage building is proposed in this specific location due to the existing well, septic system, pool/equipment, and mature trees that limit construction elsewhere on the Property. He stated that the garage/storage building includes an attached lean-to style roof along the north side of the structure adjacent to the pool area and will also utilize a permeable grass grid/paver surfaced driveway to access the structure from Hardy Road. This driveway, the Petitioner stated, will not be used to store or park vehicles and will only be used to act as a turnaround area in front of the proposed garage/storage building for personal belongings stored within. He added that this structure has a 1-foot roof overhang, which help capture rain water for re-use and support future solar panels to supply power for the Property. He asserted that this increase in size above what is permitted is necessary to make the building look intentional, environmentally beneficial, and compatible with the neighborhood. The Petitioner further asserted that this request is the minimum relief necessary in order to construct a garage/storage building with these features that is compatible with the nature of the surrounding neighborhood. Based upon the testimony and exhibits presented at the hearing, and the plans and materials submitted by the Petitioner as part of the petition, the Director makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Petitioner, Thomas and MaryLou Grimm, are the owners of the Property, which is located on the west side of White Dogwood Court, approximately 40 feet northwest of the intersection with Hardy Road and White Dogwood Court. The Property is identified as Tax Map 7, Parcel 1 and addressed as 17401 White Dogwood Court. The property is 3.08 acres and zoned RC-DEO (Rural Conservation – Density Exchange Option Overlay).
2. Properties over two (2) acres in the RC zoning district are limited to 2,200 square foot of cumulative lot coverage for all accessory structures.
3. The Property contains a 485 square foot bath house located adjacent to a pool. The Petitioner proposes to construct a 2,056 square foot detached garage/storage building, which combined with the bath house will exceed the lot coverage by 342 square feet.

4. The Property rises from an elevation of 718 feet along the east boundary line to an elevation of 736 feet in the west.
5. All adjoining properties are zoned RC-DEO. To the north and west of the Property are single family detached dwellings, to the east is White Dogwood Court and to the south is Hardy Road.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Director makes the following Conclusions of Law:

1. The 3.08 acres lot exceeds the 3-acre minimum lot size requirement of the RC zoning district and the proposed structure complies with the setback and height requirements of the RC zoning district. There are no environmentally sensitive areas on the Property and the topography is flat from the house to the west property line. Additionally, the existing house on the Property contains a two-car garage and a parking area that can accommodate three (3) vehicles. Therefore, there are no unique physical conditions on the lot that deprive the owner of reasonable use of the Property, since 2,200 square feet of accessory structures is allowed and a smaller garage/storage building could be constructed.
2. The proposed garage/storage building has a footprint of 2,056 square feet, which exceeds the footprint on the existing house on the Property and houses on adjoining properties. Additionally, driveway access is proposed along Hardy Road from which none of the adjacent properties have access. Therefore, the increased lot coverage is likely to alter the essential character of the area.
3. There are no practical difficulties or hardships that prevent compliance with accessory structure lot coverage requirement; therefore, criterion 130.0.B.2.a.(3) does not apply.
4. The Administrative Adjustment is denied, therefore criterion 130.0.B.2.a(4) does not apply.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 28 day of March, 2022 by the Director of the Department of Planning and Zoning for Howard County, ORDERED that the petition of Thomas and MaryLou Grimm for an Administrative Adjustment to increase the required 2,200 square foot maximum

cumulative lot coverage for accessory structures to 2.542 square feet for a proposed garage/storage building and bath house, be and the same is hereby **DENIED**.

DocuSigned by:

Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

Prepared By:
The Howard County Department of
Planning and Zoning

DocuSigned by:

Justin Tyler

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Justin Tyler, Director's Designee
Department of Planning and Zoning

Notice: A person aggrieved by this decision may appeal it to the Howard County Hearing Authority within 30 days of the issuance of the decision. An appeal must be submitted to the Department of Planning and Zoning on a form provided by the Department. At the time, the appeal petition is filed, the person filing the appeal must pay the appeal fees in accordance with the current schedule of fees. The appeal will be heard *de novo* by the Hearing Authority. The person filing the appeal will bear the expense of providing notice and advertising the hearing.